



PTO/SB/21 (09-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

10/784,111

Filing Date

February 20, 2004

First Named Inventor

KAMEDA, Masami

Art Unit

2142

Examiner Name

Andrew T. Caldwell

Attorney Docket Number

16869S-106900US

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional ApplicationPower of Attorney, Revocation
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

Return Postcard

Certified Copy of Priority
Document(s)Reply to Missing Parts/ Incomplete
ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Remarks

The Commissioner is authorized to charge any additional fees to Deposit
Account 20-1430.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

George B. F. Yee

Date

December 22, 2005

Reg. No.

37,478

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Cynthia McKinley

Date

December 22, 2005

OIP E LPA6
DEC 27 2005
PATENTS & TRADEMARKS

PTO/SB/17 (12-04)

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known

Application Number	10/784,111
Filing Date	February 20, 2004
First Named Inventor	KAMEDA, Masami
Examiner Name	Andrew T. Caldwell
Art Unit	2142
Attorney Docket No.	16869S-106900US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 20-1430 Deposit Account Name: Townsend and Townsend and Crew LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)** **Multiple Dependent Claims**
_____ -20 or HP = _____ x _____ = _____
Fee (\$) Fee Paid (\$)
HP = highest number of total claims paid for, if greater than 20
Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**
_____ -3 or HP = _____ x _____ = _____
HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**
_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

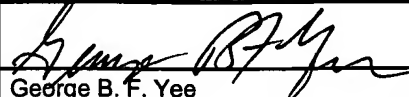
Non-English Specification, \$130 fee (no small entity discount)

Other: Petition Fee

Fees Paid (\$)

130

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 37,478	Telephone 650-326-2400
Name (Print/Type)	George B. F. Yee		Date December 22, 2005



OIP E

PATENT
Attorney Docket No.: 16869S-106900US
Client Ref. No.: W1413-01EF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Masami Kameda

Application No.: 10/784,111

Filed: February 20, 2004

For: Data Transfer Method and System

Customer No.: 20350

Confirmation No. 6926

Examiner: Andrew T. Caldwell

Technology Center/Art Unit: 2142

RENEWED
PETITION TO MAKE SPECIAL FOR
NEW APPLICATION PURSUANT TO
37 C.F.R. § 1.102(d) &
M.P.E.P. § 708.02, Item VIII,
ACCELERATED EXAMINATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A petition to make special for the above-identified application was mailed August 24, 2005. In a Decision on Petition to Make Special mailed November 8, 2005, the petition was dismissed. A renewed petition is submitted herewith which addresses the grounds for the dismissal. Reconsideration is respectfully requested.

(A) The Commissioner is authorized to charge the petition fee of \$130 under 37 C.F.R. § 1.17(h), and any additional fees that may be associated with this petition may be charged to Deposit Account No. 20-1430.

(B) All the claims are believed to be directed to a single invention. If the examiner determines that all the claims presented are not obviously directed to a single invention, then Applicant will make an election without traverse as a prerequisite to the grant of special status where the specific grouping of claims will be determined by the examiner.

(C) A pre-examination search was performed by an independent patent search firm. The pre-examination search includes a classification search, a computer database search, and a keyword search. The classification search covered the following classes and sub-classes:

709/	217, 250
711/	114, 161, 162, 202

Additionally, a computer database search had been conducted on the USPTO systems EAST and WEST. The following references were identified in the search report:

- (1) U.S. Patent No.:
6,892,203 Kasako et al.
- (2) U.S. Patent Application Publication Nos.:
2003/0061456 Ofek et al.
2003/0105936 Stakutis et al.
2004/0010669 Nishimura et al.

(D) The above references have been previously submitted.

(E) Set forth below is a detailed discussion of the references, pointing out with particularity how the claimed subject matter recited in the claims is distinguishable over the references.

Claimed Subject Matter of the Present Invention

Various aspects of the present invention include:

a first feature of the present invention as recited in independent claim 1 wherein a second controller which, in response to information that identifies a block from said first controller, identifies a file corresponding to the block using said table and transfers the identified file to said second storage unit using a file transfer protocol,

a second feature of the present invention as recited in independent claim 6 wherein said second controller manages an association between a file composed of a plurality of blocks of data and the blocks of data constituting the file and, upon receiving information identifying a block from said first controller, transfers a file including data of the block to said second storage unit on a file basis, and

a third feature of the present invention as recited in independent claims 10 and 16 wherein information identifying the block addresses is associated with a file identifier for managing file composed of a plurality of blocks on a file basis, wherein, upon receiving

information identifying the block address from said controller, a file identifier associated with the information identifying the block address is identified and information identifying a plurality of block addresses associated with the file identifier is notified to said controller and, upon receiving data corresponding to the information identifying a plurality of block addresses from said controller, transfers data to said other computer system on a file basis with the file identifier attached to the data.

U.S. Patent No. 6,892,203 Kasako et al.

The patent to Kasako et al. (6,892,203 B2), assigned to Hitachi, Ltd., provides for a Method Apparatus and System for Remote File Sharing. Discussed is a remote file sharing system comprising computer systems 1 and 11. A file input/output device 3 is connected to higher level device 2 in computer system 1. A shared file controller 5 controls read and writes to a remote double recording device 6. Likewise, a file input/output device 13 is connected to higher level device 12 in computer system 11, and a shared file controller 15 controls read and writes to a remote double recording device 16. LANs 7, 17 are used to transfer data between NAS servers 4, 14. A SAN is used for transfer of data between the remote double recording devices 6, 16. See column 4.

U.S. Patent Application Publication No. 2003/0061456 Ofek et al.

The patent application publication to Ofek et al. (2003/0061456 A1) provides for an Apparatus and Methods for Copying, Backing up and Restoring Logical Objects in a Computer Storage System by Transferring Blocks out of Order or in Parallel. Discussed is a method of transferring data between primary storage nodes and secondary storage nodes. Primary storage nodes are coupled together through a network. Secondary storage nodes may be used for backup functions. Physical elements (e.g. data blocks) that comprise the logical object (e.g. file) and need to be copied or backed up are identified and transferred. The background section of this application also discusses the backing up of data over a network wherein, the client converts the backup data into file data, i.e. gets the data from the physical storage system

level and converts the data into a file format, to be communicated over the network. (See paragraphs 42, 129, 131, 144, 155, 157, and 161)

U.S. Patent Application Publication No. 2003/0105936 Stakutis et al.

The patent application publication to Stakutis et al. (2003/0105936 A1) provides for Storage Area Network Methods and Apparatus for Logical-to-Physical Block Address Mapping. Fig. 1 shows a storage area network (SAN) 10 having a plurality of nodes 12, 14, 16, and 18. The nodes provide server functions such as monitoring and/or controlling access to shared peripheral devices, such as disk drives 20a, 20b, 20c.

Volume managers 32-40 are capable of accessing non-native platform volumes among the nodes without requiring that each include volume management code ported from the other platforms. Paragraph [0033] describes an example of this capability with reference to Fig. 3. A software module 54 in node 12 can generate and transmit to a client 14 (as well as other clients 16-18, as necessary) a canonical map identifying the physical location(s) on drives 20a-20c of portion(s) of volume 34 and, more typically, of a specified file 36 in that volume. The volume manager 38 in client node 14 stores the canonical map for use in responding to access requests generated by its associated file system 44. Thus, when a request for access to file 36 (stored in node 12) is made, volume manager 38 utilizes the stored canonical map to translate or map those logical addresses in those requests to physical addresses via which the requisite blocks can be obtained.

U.S. Patent Application Publication No. 2004/0010669 Nishimura et al.

The patent to Nishimura et al. (2004/0010669 A1) provides for Backup Technique for Recording Devices Employing Different Storage Forms. Disclosed is a backup system for data stored in block form and file form wherein a storage form converter converts the data from one form to another and a backup manager copies the first data in block form and second data in file form. Fig. 1 shows a storage form converter 140 that is described in paragraph [0038] as converting data that is stored in the first storage unit 130 to data that is in the second storage unit 120. Fig. 3b shows an embodiment of a storage form converter 250 (shown in Fig. 3a). A data

receiver 252 receives data from the block recording device. The storage form converter 140 converts data into file form that is received from the data receiver 252, and transmits the data via the data transmitter 254 to the file recording device 220.

The Claims Are Not Taught By the Cited Art

It was recommended in the Decision on Petition that if an identical statement is being made to distinguish each reference from an independent claim, then the statement should simply be made once. Therefore,

As to independent claim 1, none of the foregoing references show a second controller which, in response to information that identifies a block from a first controller, identifies a file corresponding to the block using a table and transfers the identified file to a second storage unit using a file transfer protocol.

As to independent claim 6, none of the foregoing references show a second controller managing an association between a file composed of a plurality of blocks of data and the blocks of data constituting the file and, upon receiving information identifying a block from a first controller, transfers a file including data of the block to a second storage unit on a file basis.

As to independent claims 10 and 16, none of the foregoing references show wherein information identifying the block addresses is associated with a file identifier for managing file composed of a plurality of blocks on a file basis, wherein, upon receiving information identifying the block address from said controller, a file identifier associated with the information identifying the block address is identified and information identifying a plurality of block addresses associated with the file identifier is notified to said controller and, upon receiving data corresponding to the information identifying a plurality of block addresses from said controller, transfers data to said other computer system on a file basis with the file identifier attached to the data

Conclusion

In view of this comments presented in the instant petition and the claim amendments presented in the accompanying preliminary amendment, the Examiner is respectfully requested to issue a first Office Action at an early date.

Respectfully submitted,



George B. F. Yee
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
GBFY:cm
60664313 v1